



599P1057 US03

7217/59661-Z-RE

REISSUE APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yasuaki SEKII
Serial No.: 10/785,177
Filed: February 19, 2004
For: OPTICAL STORAGE MEDIUM HAVING MULTIPLE
RECORDING LAYERS OF DIFFERENT FORMATS
Group A.U.: 2653
Examiner: T. X. Dinh

**THIS APPLICATION IS A REISSUE OF U.S. PATENT
NO. 6,510,128 GRANTED ON JANUARY 21, 2003
FOR APPLICATION SERIAL NO. 09/864,430 FILED
ON MAY 24, 2001.**

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DECLARATION AND POWER OF ATTORNEY FOR REISSUE APPLICATION

As below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name. I believe that I am the original, first, and sole inventor of the invention described and claimed in U.S. Letters Patent No. 6,510,128 issued January 21, 2003, for which invention I solicited a patent in application serial no. 09/864,430 filed May 24, 2001, which was a divisional application of application serial no. 09/397,808 filed September 17, 1999, now U.S. Patent No. 6,275,452, issued August 14, 2001, and that I have reviewed and understand the contents of the specification, including the claims; that the subject matter of the original claims and of the claims set forth in amendments made in this reissue

application was invented before I filed my original application on which the foregoing U.S. Letters Patent No. 6,510,128 issued for such invention; that the drawings in this reissue application accurately illustrate and are a part of my invention as filed; that I do not know and do not believe that said invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before our invention thereof, or more than one year before our application, or in public use or on sale in the United States of America more than one year before the date of my application, that my invention has not been patented in any foreign country before the date of my application on an application filed by me or my legal representative or assigns more than twelve months prior to my application in the United States of America, and has not been abandoned.

I hereby claim priority of Japanese foreign application No. P10-265278 filed September 18, 1998.

I hereby declare that U.S. Letters Patent No. 6,510,128 is partly inoperative or invalid by reason of my claiming more or less than I had a right to claim in said patent.

The error upon which the present reissue application is based was uncovered during an examination by the Assignee and relates to claim 4 of U.S. Patent No. 6,510,128.

Specifically, claim 4 recites in relevant part: "a program area for recording therein at least one program and an absolute time without a program number and for recording therein a running time corresponding to each program."

The above formation does not accurately claim the invention. As described in col. 6, ln. 19 to col. 7, ln. 50 of U.S. Patent No. 6,510,128 (pps. 13 to 16 of the specification), as well as generally in the operation described at col. 7, ln. 56 et seq., the above-described limitation in claim 4 should read "without a program number and without a running time."

Accordingly, claim 4 has been amended by the submission herewith of a preliminary amendment under 37 CFR 1.173.

All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the Applicant.

Applicant acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

I hereby appoint

Christopher C. Dunham (Reg. No. 22,031); Ivan S. Kavrukov (Reg. No. 25,161); Norman H. Zivin (Reg. No. 25,385); John P. White (Reg. No. 28,678); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970),

and each of them, all c/o Cooper & Dunham LLP of 1185 Avenue of the Americas, New York, New York 10036, or their duly appointed associates, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the reissued patent, to transact all business in the U.S. Patent and Trademark Office connected therewith, and to file any

International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any reissue patent issued thereon.

Yasuaki Sekii
Full name of inventor

Yasuaki Sekii
Signature

November 24, 2009
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